

## **REMARKS/ARGUMENTS**

### **Status**

In the Office Action mailed May 16, 2006, Claims 1-4, 9, 11, and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,109,596, issued to Garnier (“*Garnier*”); and, Claims 5-8 and 10 were objected to as being dependent upon a rejected base claim, and were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. The Applicant thanks the Examiner for the indication of allowable subject matter.

By this response, Claims 1, 3, 5, and 7 have been amended, Claim 2 has been canceled, and no claims have been added. As such, Claims 1 and 3-12 are pending in this application. No new matter has been added.

### **35 U.S.C. § 102(b) Claim Rejections**

#### ***Garnier***

*Garnier* discloses a lifting device with one flat strip 5 arranged to form two hoist runs 21, 22 on opposite sides of a connection member 6 for a load. As such, *Garnier* fails to disclose each and every limitation of the Applicant’s amended independent Claim 1. Because *Garnier* fails to disclose each and every element of Applicant’s Claim 1, as amended, Claim 1 is not anticipated by *Garnier*. Claims 3-12 ultimately depend on amended Claim 1, which the Applicant respectfully submits has been shown to be patentably distinct over *Garnier*. For the same reasons that amended Claim 1 is patentable over *Garnier*, dependent Claims 3-12 are also patentable over *Garnier*.

One of several distinctions that amended Claim 1 has over *Garnier*—as well as the other cited prior art—includes a major difference involving the means in which the bands are wound up. That is, according to the present invention, a suitable amount of bands can be utilized as is necessary to carry a certain load. This amount can be even or odd and is only limited by practical reasons depending on the thickness of the single bands. The space used in axial dimension does not increase with an increase in the amount of bands; therefore, geometrical problems do not occur with the present invention.

Thus, not only does *Garnier* fail to disclose each and every element of the Applicant’s amended Claim 1, the cited prior art further fails to teach or suggest its modification to attain

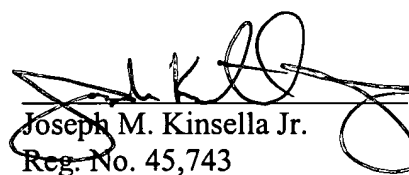
each and every element of the Applicant's amended Claim 1. As such, amended Claim 1 is not rendered obvious in view of *Garnier*, the cited prior art, or a combination thereof. Similarly, Claims 3-12 ultimately depend on Claim 1—which is now believed to be allowable—and includes every element thereof. For the same reasons that Claim 1 is not obvious in view of the cited, dependent Claims 3-12 are also not rendered obvious by the cited prior art.


## **CONCLUSION**

The Applicant respectfully submits that the pending claims are in condition for allowance and requests removal of the rejections. Although the Applicant believes that no additional fees are required with this correspondence, if any fees are required, the Commissioner is authorized to debit Applicant's Deposit Account 50-0545.

Respectfully submitted,

Dated: August 16, 2006

  
Joseph M. Kinsella Jr.  
Reg. No. 45,743  
One of Applicant's Attorneys

<b>CERTIFICATE OF MAILING</b>
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope Addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 16, 2006.</p> <p> Jacqueline Vega</p>